

JUL 24 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THAI HOUG, aka Thai Houg,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-74460

Agency No. A075-500-771

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 14, 2009<sup>\*\*</sup>

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Thai Houg, a native and citizen of Cambodia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") order denying his motion to reopen removal

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's decision not to invoke its sua sponte authority to reopen proceedings. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002). Houg's due process contentions are not colorable. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Houg's contention that the BIA should have assigned his appeal to a three-judge panel is unavailing. *See* 8 C.F.R. § 1003.1(e)(6).

In light of our disposition, we do not reach Houg's remaining contention that the IJ deemed his motion timely.

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**